

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/823,138	BARDINI, RICHARD
	Examiner Anh-Vu H. Ly	Art Unit 2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed August 22, 2005.
2.  The allowed claim(s) is/are 4-6, 10-25, and 28-29 renumbered as 1-21.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles J. Kulas on December 23, 2005.

The application has been amended as follows:

***In The Claims***

Claim 4, in line 12, delete "data" and in line 13, delete "adapted" and replace "the delivery process" with - -the data delivery- -.

Claim 6, in line 2, delete "data".

Claim 10, in line 14, delete "data".

Claim 11, in line 2, replace "items" with - -markers- -.

Claim 12, in line 2, replace "isochronous data packet" with - -isochronous packet- -.

Claim 13, in line 3, delete "the".

Claim 19, in line 10, delete "data" and replace "the delivery process" with - -the data delivery- -.

Claim 22, in line 3, delete "the".

Claim 28, in line 3, replace "data items" with - -data packets- -.

Claim 29, in line 3, replace "data items" with - -data packets- -.

***Allowable Subject Matter***

2. Claims 4-6, 10-25, and 28-29 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest the firmware control to synchronize the data delivery by discarding packets acquired from the storage medium until a packet that defines a frame boundary is located as indicated by the data marker, inserted by the isochronous data processor, at beginning of each of isochronous packet, and then delivering packets to the device, as specified in independent claim 4.

The prior art does not teach or fairly suggest if isochronous packet contains data marker, checking whether synchronization indicator is set to a second state from the first state; if synchronization is set to the second state, outputting isochronous packet to a requesting device; if synchronization indicator is not set to a second state, checking whether isochronous packet corresponds to start of a frame; if isochronous packet corresponds to start of frame, setting synchronization indicator to second state and outputting isochronous packet to requesting device, as specified in independent claim 10.

The prior art does not teach or fairly suggest reading a data item to determine if it is a data marker; when said data marker is identified, reading the next data item to acquire an associated isochronous header; determining if the payload associated with the isochronous header is a frame boundary; if the packet is not a frame boundary, discarding the packet and repeating reading and determining steps; and if the packet is a frame boundary, deliver the packet to the device, as specified in independent claim 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl

  
CHI PHAM  
PERMISORY PATENT EXAMINER  
12/27/05